



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
AIR POLLUTION CONTROL DIVISION
9th Floor - L&C Annex
401 Church Street
Nashville, Tennessee 37243-1531

Ms. Lehla Lee, Regulatory Compliance Analyst
Environmental Systems Corporation
200 Tech Center Drive
Knoxville, Tennessee 37912

April 1, 2002

Dear Ms. Lee:



This letter is in response to your request for environmental impact assessment in compliance with the following requirements:

Subpart A-- Purpose, Legal Authority, Federal Laws and Authorities

Sec. 58.5 Related Federal Laws and Authorities
(g) Air Quality. (1) **The Clean Air Act** (42 U.S.C. 7401 et. seq.) as amended; particularly **section 176(c) and (d)** (42 U.S.C. 7506 (c) and (d))

Subpart D--Environmental Review Process: Documentation, Range of Activities, Project Aggregation and Classification

Sec. 58.38 Environmental Review Record

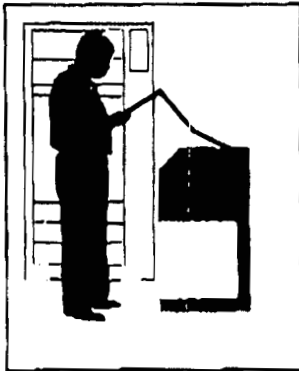
Subpart E--Environmental Review Process: Environmental Assessments (EA's)

Sec. 58.40 Preparing the Environmental Assessment
(1) A Finding of No Significant Impact on the quality of the human environment.

(Continued on next page)

Page 2

In reference to your request for Air Quality Data concerning the *Proposed Sunset Bay Development/ Norris Reservoir Project* dated March 13, 2002. Please note that Union County is currently in **attainment** for all Air Quality Standards in accordance with Rules of the Tennessee Department of Environment and Conservation Bureau of Environment/Division of Air Pollution Control Chapter 1200-3-3 Ambient Air Quality Standards.



Available air quality data from the current monitoring station(s) either within the project area or, if none exist, nearest to the project area (neighboring county). Monitoring status is subject to change.

County	Monitoring Station(s) in Cty	Type of Monitoring	Location of Nearest Monitor(s)
Union	Two	PM-10	Luttrell Area

See the report submitted with this letter.



Micro meteorological conditions influenced by topography that may hinder the dispersal of air emissions are listed below.

County	Topographical Conditions	Locations
Union	Along land and water boundaries - Valleys Mountains	Clinch River Norris Lake Clinch & Lone Mountains

(Continued on next page)

Page 3

Sufficient information is not available to indicate projected emissions from the Proposed Sunset Bay Development/ Norris Reservoir Project. However, the proposed project is not expected to adversely impact the local air quality provided adequate measures are employed to control fugitive emissions and waste is properly disposed.

Other Rules of the Tennessee Department of Environment and Conservation Bureau of Environment/Division of Air Pollution Control that ~~may~~ apply to your project are:

Chapter 1200-3-4 Open Burning
Chapter 1200-3-8 Fugitive Dust
Chapter 1200-3-9 Construction and Operating Permits
Chapter 1200-3-11.02 Hazardous Air Contaminants (Asbestos)

Please contact me at phone number (615) 532-0550 should you need further assistance concerning air quality.

Sincerely,

A handwritten signature in cursive script that reads "Ms. Pamela J. Stephens".

Ms. Pamela J. Stephens
Environmental Specialist IV
APCD

(See Note 1)

PM ₁₀ (See Note 2)	50 150		AAM 24 hr.	50 150		AAM 24 hr.
Sulfur Dioxide	80 365	(0.03) (0.14)	AAM 24 hr.	1,300	(0.5)	3 hr.
Carbon Monoxide	(10,000) (40,000)	9 35	8 hr. 1 hr.	(10,000) (40,000)	9 35	8 hr. 1 hr.
Ozone (See Note 3)	(235)	0.12	1 hr.	(235)	0.12	1 hr.
Nitrogen Dioxide	(100)	0.053	AAM	(100)	0.053	AAM
Lead	1.5		Calendar quarter	1.5		Calendar quarter

All values other than annual values are maximum concentrations, not to be exceeded more than once per year (except for lead). For lead, the first exceedance is considered a violation of the standard. All concentrations presented within parentheses are approximate only. All concentrations relate to air at standard conditions of 25 degrees centigrade temperature and 760 millimeters mercury pressure. All averaging intervals are consecutive time periods.

NOTE: 1. The value of 150 $\mu\text{g}/\text{m}^3$ for a 24-hour averaging interval is maintained as a guide to be used in assessing particulate problem areas. In those areas where it is exceeded, PM-10 monitoring will be required, unless it is determined that the data is biased by an activity or event such as short term construction. Such monitor(s) shall be operated for a least a period of one calendar year (i.e., January 1 through December 31) following the federally designated six day sampling schedule. In any area where a single air contaminant source is the predominant particulate emitter the Technical Secretary shall order the source to install and operate said PM-10 monitoring network. In other areas the Technical Secretary shall be responsible for insuring that said monitoring is accomplished.

NOTE: 2. The 24-hour guideline is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu\text{g}/\text{m}^3$, as determined by Appendix K in Federal Register, Volume 52, No. 126, July 1, 1987, is equal to or less than one.

NOTE: 3. The standard is attained when the expected number of days per calendar year with maximum hourly concentration above 0.12 ppm (235 $\mu\text{g}/\text{m}^3$) is equal to or less than 1 as determined by the Federal Register, Volume 44, No. 28, February 8, 1979, Part V, Appendix H.

(b) Tennessee Ambient Air Quality Standards for Gaseous Fluorides Expressed as HF.

Table II

Secondary Standards

Concentration		Averaging Interval
$\mu\text{g}/\text{m}^3$	ppb by vol.	
1.2	1.5	30 days
1.6	2.0	7 days
2.9	3.5	24 hrs.



United States Department of the Interior

RECEIVED
Environmental Policy and Planning

FISH AND WILDLIFE SERVICE

446 Neal Street
Cookeville, TN 38501

SEP 25 2002

September 20, 2002

Doc Type: EA-Admin Record
Index Field: Agency Comment
Project Name: Sunset Bay Dev.
Date: 2002-16

Mr. Jon M. Loney
Manager, NEPA Administration
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1499

Re: FWS #02-2583

Dear Mr. Loney:

Thank you for your correspondence of August 27, 2002, regarding the Tennessee Valley Authority's Draft Environmental Assessment (DEA)-Proposed Roadway, Community Dock, Boat Launching Ramp, and Fills and Modification of Landrights at Sunset Bay Residential Development, Norris Reservoir, Union County, Tennessee. Fish and Wildlife Service (Service) personnel have reviewed the document and we offer the following comments.

The DEA adequately describes the resources within the project impact area and the proposed action's impact on these resources. Obviously, Alternative 1 (no action alternative) would result in the fewest adverse impacts to fish and wildlife resources while maintaining public recreational opportunities in the area.

If Alternative 2 or Alternative 3 (Preferred Alternative) is selected, and our comments and recommendations concerning the Indiana bat and gray bat contained in our May 30, 2002, letter to Ms. Amy Henry are incorporated into the project plans, the Service would have no objection to the proposed project.

Thank you for the opportunity to comment further on this action. If you have any questions regarding the information which we have provided, please contact Wally Brines of my staff at 931/528-6481, extension 222.

Sincerely,

Lee A. Barclay, Ph.D.
Field Supervisor



United States Department of the Interior

FISH AND WILDLIFE SERVICE

446 Neal Street
Cookeville, TN 38501

June 11, 2002

1. Colonel Steven W. Gay
District Engineer
U.S. Army Corps of Engineers
3701 Bell Road
Nashville, Tennessee 37217

JUN 12 2002

Attention: J. Ruben Hernandez, Regulatory Branch

Dear Colonel Gay:

Fish and Wildlife Service (Service) personnel have reviewed the public notice listed below. The following constitute the comments of the U.S. Department of the Interior provided in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

<u>Public Notice #</u>	<u>Date</u>	<u>Applicant</u>	<u>Due Date</u>
02-38	05-13-02	Tennessee Emmons, LLC	06-12-02

Endangered species collection records available to the Service do not indicate that federally listed or proposed endangered or threatened species occur within the impact area of the project. We note, however, that collection records available to the Service may not be all-inclusive. Our data base is a compilation of collection records made available by various individuals and resource agencies. This information is seldom based on comprehensive surveys of all potential habitat and thus does not necessarily provide conclusive evidence that protected species are present or absent at a specific locality. However, based on the best information available at this time, we believe that the requirements of Section 7 of the Endangered Species Act of 1973, as amended, are fulfilled. Obligations under Section 7 of the Act must be reconsidered if (1) new information reveals impacts of the proposed action that may affect listed species or critical habitat in a manner not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

No significant adverse impacts to fish and wildlife, their habitats, and human uses thereof are expected to result from the proposal. Therefore, the Service has no objection to the issuance of the permit to conduct the work described in the subject public notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee Barclay". The signature is fluid and cursive, with the first name "Lee" and last name "Barclay" clearly distinguishable.

Lee A. Barclay, Ph.D.
Field Supervisor

xc: Linda J. Fowler, TVA, Norris, TN

TBM:sjs



United States Department of the Interior

FISH AND WILDLIFE SERVICE

446 Neal Street
Cookeville, TN 38501

May 30, 2002

Ms. Amy Henry
Project Manager
BHE Environmental, Inc.
7041 Maynardville Highway
Knoxville, Tennessee 37918

Re: FWS #02-1302A

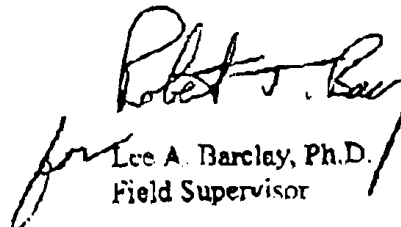
Dear Ms. Henry:


Fish and Wildlife Service personnel have reviewed the information provided in your correspondence of May 1, 2002, regarding the potential presence of the federally endangered Indiana bat (*Myotis sodalis*) and gray bat (*Myotis grisescens*) within the impact area of the proposed Sunset Bay Development Project in Union County, Tennessee. We offer the following comments.

Based on the information and recommendations regarding tree removal provided in the habitat assessment, we anticipate that the proposed project is not likely to adversely affect the Indiana bat or gray bat. Accordingly, we believe that the requirements of Section 7 of the Endangered Species Act (Act) have been fulfilled for these species and that no further consultation is needed at this time. However, obligations under Section 7 of the Act must be reconsidered if: (1) new information reveals that the proposed action may affect listed species in a manner or to an extent not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered in this biological assessment, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

Thank you for the opportunity to comment further on this proposed action. If you have any questions regarding the information which we have provided, please contact Wally Brines of my staff at 931/528-6481, extension 222.

Sincerely,


Lee A. Barclay, Ph.D.
Field Supervisor

xq:  Leila Lee, Environmental Systems Corporation, Knoxville, TN



United States Department of the Interior

FISH AND WILDLIFE SERVICE

446 Neal Street
Cookeville, TN 38501

April 3, 2002

Ms. Lehla Lee
Regulatory Compliance Analyst
Environmental Systems Corporation
200 Tech Center Drive
Knoxville, Tennessee 37912

Re: FWS #02-1302

Dear Ms. Lee:

Thank you for your correspondence of March 12, 2002, regarding the proposed Sunset Bay Development Project in Union County, Tennessee. The proposed project entails developing a 1000-acre site as shown on the attachments to your correspondence. Fish and Wildlife Service (Service) personnel have reviewed the information submitted and we offer the following comments.

According to our records, the federally endangered Indiana bat (*Myotis sodalis*) and gray bat (*Myotis grisescens*) may occur in the project impact area. A qualified biologist should assess potential impacts and determine if the proposed project may affect the species. A finding of "may affect" could require initiation of formal consultation. Please submit a copy of your assessment and findings to this office for review and concurrence.

We will comment on the 26a permit application submitted to the Tennessee Valley Authority when it is made available for public and agency review to address general environmental concerns associated with the land conversions you are proposing. Thank you for the opportunity to comment on this proposed action. If you have any questions regarding the information which we have provided, please contact Wally Brines of my staff at 931/528-6481, extension 222.

Sincerely,

Lee A. Barclay, Ph.D.
Field Supervisor

Sunset Bay Residential Development

04/02/2002 08:28 AM

cc:
Subject: To Lehla Lee Sunset Bay

----- Forwarded by Lehla Lee/ESC on 04/02/2002 08:33 AM -----



Paula Manlove

04/02/2002 08:12 AM

To: Lehla Lee/ESC@envirosys
cc:
Subject: To Lehla Lee Sunset Bay

----- Forwarded by Paula Manlove/ESC on 04/02/2002 08:17 AM -----



"David Randolph"
<David.Randolph@state.tn.us>

04/01/2002 04:18 PM

To: <esccorp@envirosys.com>
cc:
Subject: To Lehla Lee Sunset Bay

The Division of Superfund has looked at the letter concerning the proposed property in Union County. There are no Superfund sites at or near this property. If you have any questions feel free to contact me at 615-532-0908.

UNITED STATES
DEPARTMENT OF
AGRICULTURE
(865) 4942242

NATURAL RESOURCES
CONSERVATION
SERVICE

Clinton Soil Survey
2691 Andersonville Hwy
CLINTON, TENNESSEE 37716

Subject: 301-Hydric/Prime Farmland
Determination

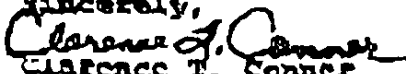
April 4, 2002

Ms. Helen Hannon
Project Manager
200 Tech Center Drive
Environmental System Corporation
Knoxville, TN 37812

Dear Ms. Hannon:

As requested, I have examined the proposed Sunset Bay Development Project on Norris Reservoir, Union County, Tennessee in regards to hydric and prime farmland soils. There are no hydric or prime farmland soils in the proposed project area.

If you need additional information or I can be of further assistance, please give me a call.

Sincerely,

CLARENCE T. CONNOR
Resource Soil Scientist, East TN Division

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request	
Name Of Project	<u>Sunset Bay Development</u>	Federal Agency Involved	<u>TVA</u>
Proposed Land Use	<u>Subdivision</u>	County And State	<u>Union, Tennessee</u>
PART II (To be completed by State)		Date Assessment Conducted By State	
Does the site contain unique, statewide or local important farmland? (If no, the FRA does not apply and do not complete the remainder of this form.)		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Acres Included
Major Crops	Farmland In Cont. Jurisdiction	Acres	Amount Of Farmland As Defined In FRA
Name Of Land Evaluation Agency Head	Name Of Local Land Management System	Acres	Acres
Date Land Evaluation Completed By State		Date Land Evaluation Completed By State	
PART III (To be completed by Federal Agency)		Allocation Site Rating	
A. Total Acres To Be Converted Directly		Site A	Site B
B. Total Acres To Be Converted Indirectly		Site C	Site D
C. Total Acres In Site			
PART IV (To be completed by State) Land Evaluation Information		Date Assessment Conducted By State	
A. Total Acres Prime And Unique Farmland			
B. Total Acres Statewide And Local Important Farmland			
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted			
D. Percentage Of Farmland In Govt. Jurisdiction With State Or Higher Productive Value			
PART V (To be completed by State) Land Evaluation Criterion		Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)	
PART VI (To be completed by Federal Agency)		Maximum Points	
Site Assessment Criteria (These criteria are explained in 7 CFR 282.5(b))			
1. Area In Nonurban Use			
2. Perimeter In Nonurban Use			
3. Percent Of Site Being Farmed			
4. Protection Provided By State And Local Government			
5. Distance From Urban Buildup Area			
6. Distance To Urban Support Services			
7. Size Of Present Farm Unit Compared To Average			
8. Creation Of Nonfarmable Farmland			
9. Availability Of Farm Support Services			
10. On-Farm Investments			
11. Effects Of Conversion On Farm Support Services			
12. Compatibility With Existing Agricultural Use			
TOTAL SITE ASSESSMENT POINTS		100	
PART VII (To be completed by Federal Agency)			
Relative Value Of Farmland (From Part V)		100	
Total Site Assessment (From Part VI) above or a local site assessment		100	
TOTAL POINTS (Total of above 2 lines)		200	
Site Selected:	Date Of Selection	Was A Local Site Assessment Used? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Reason For Selection:			



ENVIRONMENTAL ASSISTANCE CENTER
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
SUITE 220, STATE PLAZA, 2700 MIDDLEBROOK PIKE
KNOXVILLE, TENNESSEE 37921

(865)594-6035

STATEWIDE 1-888-891-8332

FAX (865)594-6105

March 26, 2002

Dr. George Hyfantis
Environmental Systems Corporation
200 Tech Center Drive
Knoxville, TN 37912

RECEIVED

MAR 27 2002

ESC-RISC

RE: NEPA Compliance Review
Proposed Sunset Bay Development
Union County, Tennessee

Dear Dr. Hyfantis:

On March 14, 2002, The Division of Underground Storage Tanks received the March 12, 2002 ESC request. The Knoxville Environmental Assistance Center received the request from the central office on March 18, 2001. Upon review, The Division has not identified any active underground storage tanks (USTs) in the subject area. This statement is qualified by the fact that there may be past or present, unidentified farm tanks or other tanks that have not been registered within the subject area. The Division would most likely not have knowledge of these tanks unless notification of such tanks had been made in the past. Be advised that any previously unknown tank that is encountered may have regulatory oversight from either the Division of Underground Storage Tanks or Division of Solid Waste Management.

If you have any questions concerning this correspondence, call me at 865-594-5448.

Sincerely,

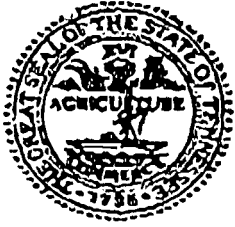
A handwritten signature in black ink, appearing to read "Steven T. Wilson".

Steven T. Wilson, PG TN1418

Manager

Division of Underground Storage Tanks

cc: Knoxville UST Environmental Assistance Center -
Union County General Correspondence File
UST Central Office - Technical File



UNION COUNTY EXECUTIVE

901 MAIN STREET-SUITE 124
MAYNARDVILLE, TN 37807
(865) 892-3061
FAX: (865) 892-1937
E-MAIL: larrylay@unioncountyttn.org
WEB: www.unioncountyttn.org

April 2, 2002

Bill Baxter
Tennessee Valley Authority
400 W. Summit Hill Dr.
Knoxville, TN 37902-1499

Dear Mr. Baxter:

TVA has been very helpful in Economic and Community Development in Union County. As County Executive of Union County, I need your help with a new development that is underway in the Sharps Chapel area in Union County. The development is approximately one thousand acre project adjoining Norris Lake and will be called Sunset Bay Development.

The developers would like to start selling the property by the end of May or the first of June if TVA approves the needed changes to enable the development to go forward. If approved, Union County residents will benefit due to the large amount of revenue collected from property taxes. As the proposed design shows this will be one of the finest developments ever constructed in Union County

Once again I am asking for your help in seeing that this project goes forward and if you have any questions or if I may be of any assistance please do not hesitate to contact me anytime.

Respectfully yours,

Larry G. Lay
Union County Executive



RECEIVED
Environmental Policy and Planning

SEP 24 2002

Doc Type: EA - Admin Record
Index Field: Agency Comment
Project Name: Sunset Bay Dev.
2002-66

September 23, 2002

Mr. J. Ruben Hernandez
Regulatory Specialist
U.S. Army Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN 37214

Dear Mr. Hernandez

SUBJECT: Result of Regional Review
U.S. Army Corps of Engineers and the Tennessee Valley Authority - Draft Environmental Assessment for the Proposed Roadway, Community Dock, Boat Launching Ramp, and Fills and Modification of Landrights at Sunset Bay Residential Development on Norris Reservoir in Union County

The East Tennessee Development District has completed its review of the above mentioned proposal, in its role as a regional clearinghouse to review state and federally-assisted projects.

ETDD review of this proposal has found no conflicts with the plans or programs of the District or other agencies in the region. However, ETDD or other reviewing agencies may wish to comment further at a later time.

We appreciate the opportunity to work with you in coordinating projects in the region.

Sincerely,

Terrence J. Bobrowski
Executive Director

TJB/tc

cc Mr. Stanford E. Davis, Tennessee Valley Authority, Knoxville
Mr. Larry Lay, Union County Executive

From: Michael Butler [mabutler@conservetn.com]
Sent: Thursday, September 19, 2002 10:15 PM
To: Davis, Stanford E.
Subject: Proposed roadway, community dock, boat launching ramp, and fills and modification of land rights at Sunset Bay Residential Development, Norris Reservoir, Union Counties, Tennessee

Stand and Jon,

The League requested in the River Operations Scoping process that the issue of deed modifications related to changing the flood elevation profile on reservoir OR entertaining requests by individuals for changes such as the Sunset Bay request be addressed by the comprehensive review of river operations.

We have seen several requests for modifications of flowage easements as they pertain construction and/or the changing of flood elevation profiles.

Additionally, we have raised this issue in other letters as well and have received no response.

Based upon what we have seen in the DRAFT EA, we oppose the request at Sunset Bay. Further, we are concerned that the effort to address these issues one at a time, is in fact be a "piecemealing" of federal actions that is explicitly prohibited by NEPA.

This issue raises the point once again that there needs to be a systematic review of the issue of changing flood elevation profiles and modifying flowage easements.

The League has a Conservation Policy Advisory Council and Board of Directors Meeting coming up soon. It would be appreciated if a response on the issue of changing flood elevation profiles and modifying flowage easements could be addressed in writing prior to our meeting on the 27th of September.

Thanks for your time and attention to this matter.

Michael Butler
Acting Executive Director
Tennessee Conservation League
w. 615.353.1133
f. 615-353-0083
c. 615-390-6332

October 17, 2002

Mr. Michael A. Butler
Tennessee Conservation League
300 Orlando Avenue
Nashville, Tennessee 37209-3200

Dear Mike:

Thank you for your September 19 e-mail to Stanford E. Davis and Jon M. Loney concerning the proposed action at Sunset Bay Residential Development, issues related to modification of flood rights, and the scope of the Reservoir Operations Study (ROS). This responds to your questions and comments.

Your comment on the Sunset Bay draft environmental assessment will be taken into consideration in the preparation of the final environmental assessment. Similarly, the Tennessee Conservation League's comments on the scope of the ROS were considered during the scoping process. A copy of your e-mail reiterating those comments has been forwarded to David T. Nye, Project Manager for the study.

With respect to the general issue of flood risk and deed modifications, it has been TVA's long practice to consider requests from property owners for the release of TVA restrictions on private property. Due to passage of time, better understanding of flood risks, or other factors, some restrictions may no longer be needed to protect TVA program interests. Any recommendation to the TVA Board to release or modify such restrictions would be preceded by an environmental review in accordance with NEPA. The private property owner is required to pay the fair market value of the rights that are released by TVA, as well as to reimburse TVA's administrative costs, which include the cost of assessing TVA's program needs and conducting the environmental review.

We believe our current approach of responding to individual requests is appropriate due to the nature of the actions. Our current approach allows careful consideration of the merits of specific requests including potential environmental ramifications.

We appreciate your interest in proposals being reviewed by TVA and look forward to your views and opinions on the Draft ROS Environmental Impact Statement when it is issued next summer. Please contact Catherine M. Robinson (865-632-1691), if you have any questions or if you need additional information.

Sincerely,



Bridgette K. Ellis
Vice President
Resource Stewardship
NRB 2A-N

cc: Lee J. Carter, PSC 1E-C
Buff L. Crosby, SP 3L-C
Stanford E. Davis, WT 8C-K
Tandy S. Hobbs, HFB 1A-KPT
Jon M. Loney, WT 8C-K
Teresa C. McDonough, NRB 2A-N
David T. Nye, LP 3D-C
Kim Pilarski, ABL 1A-N
Catherine M. Robinson, NRB 2A-N
Barry B. Walton, ET 11A-K
Joel E. Williams, LP 3D-C

Mr Jon Loney NEPA Admin
TVA Towers
400 Summit Hill Dr.
Knoxville.
37902-1499
Jon,

Thanks for the opportunity to comment on the proposed deed modification of TVA public land for the Sunset Bay development, on Norris Lake in Union Co. This request should be denied. The natural beauty of TVA shorelines is a public treasure which should not be compromised. Further modifications or sale of public shorelines which mar the natural beauty of the lake so that private entities may benefit for financial gain or for other private purposes at the public expense should not be tolerated. There are plenty of public boat landing and way too many private marinas already on public, TVA shorelines. Facilitating more would only further degrade the natural beauty of the shoreline. Families wanting to cruise the lake to enjoy its beauty do not want to cruise along a subdivision! The request to allow fill along the shoreline to allow house construction should absolutely not be allowed. The request to modify (fill) a sinkhole on the private property could be considered. However concerns about the sinkhole would be about contamination of ground water, rare wildlife in the sinkhole and stability of houses built over a sinkhole??

TVA Board of Directors could save its staff and the public a lot of time and money if they would make a clear policy on use of public lands already designated for recreation. Public lands should not now nor never should be for sale or modified for public benefit. Public lands should stay public. Period. Don't even bother to ask. Without a clear policy, there will continue to be a never-ending stream of requests by private interests to TVA to buy or otherwise use public land for private gain.

The Board of Directors puts itself in a compromising situation even considering to sell or make deed modifications for public land to private developers at the public expense. Some might ask is there some kind of sweet-heart deal with Board members under the table?? Good question!

While we are at it, next week is a public meeting on a 21 acre parcel on a bluff on Ft Loudon Lake, called Keller's Bluff, that TVA deeded over to Knox CO. several years ago restricting its use to public recreation. Now Knox Co. wants to sell it to a developer but needs TVA permission. Same old song, different verse. Its public land, originally taken through eminent domain for the public good. It would be immoral if not illegal to sell it for private benefit. Just say NO!

TVA must devise a standing policy on use of public lands to reflect no loss of those lands.

W.G. Minser
4702 Gribble Rd
Maryville 37803



706 Walnut Street, Suite 200, Knoxville, Tennessee 37902
865/522-7007 fax: 865/329-2422 www.tcwn.org

September 24, 2002

Stanford E. Davis
Senior NEPA Specialist
Environmental Policy and Planning
400 W. Summit Hill Drive (WT 8C)
Knoxville, TN 37902

Dear Mr. Davis,

The Tennessee Clean Water Network wishes to submit comments on the draft Environmental Assessment (EA) evaluating a proposal by TN Emmons, LLC to approve an entrance road, community dock, boat ramp, and deed modification to allow house and structures on 15 acres of TVA flowage easement land. In general, we are generally concerned with increasing development on TVA reservoirs and the impact that these developments have on water quality. The existence of a residential subdivision next to TVA's reservoirs has already been documented numerous times to have significant impacts to water quality.

On page 8, purpose and need for action need appear to be to facilitate the development. It is unclear what the need for this action is and why TVA views this development as necessary.

Our major comments relate to the proposed deed modification. We are generally opposed to any deed modifications proposed by the permit applicant. The Shoreline Management Initiative (SMI) was developed by TVA with considerable attention made to balance environmental, social, and economic interests. The purpose of the SMI was to evaluate the future use of shoreline across the TVA region. While we appreciate the developers attempt to reduce the number of lots from 38 to 30 on TVA flowage easement land, it is still a net loss of protection of these areas and therefore in direct conflict with the intent of the SMI. As a result, we believe that TN Emmons should not be granted the deed modification. Furthermore, as discussed by TVA, the failure to provide a deed modification will not prevent the establishment of the development. There are two major reasons to prohibit a deed modification:

- the impacts to water quality by allowing the development of the 15 acres would be much higher than if it were not permitted
- the visual impacts are much higher

We would like to see an alternative to the fill below the 1044-foot msl for riprap and culture for the east entrance road. There are alternatives to riprap and culverting that are more environmentally protective and certainly more attractive.

Sunset Bay has already acquired a Stormwater permit, Tracking No. TNR130227, on June 7, 2002. This permit requires that Sunset Bay must develop a site-specific erosion and sediment control plan also known

as a stormwater pollution prevention plan (SWPPP). We were unable to locate a SWPPP as part of the draft EA. If we were in error, please let us know where we can find it in the draft EA. Otherwise, we would like to request a copy of this plan and suggest that TVA incorporate it into their review.

On page 72, it mentions that TN Emmons is committed to use appropriate BMPs to prevent erosion and sedimentation during construction. We suggest that the company be required to undergo training through the state's new construction stormwater certification program and be required to submit regular reports to TVA on the status of construction.

Page 72-73 provides an overview of the potential impacts to water quality through implementation of Alternative 2 or 3. We believe that this draft EA severely understates the potential impacts that this development, particularly during construction, will have on water quality.

- There is no guarantee that BMPs will be implemented during construction. Indeed, there is significant evidence that suggests that across Tennessee construction sites are chronically not meeting their general stormwater permits. We suggest TVA build in requirements that ensure compliance with the state stormwater permit. The following statement is far too reaching to ensure protection of water quality: "Because of the anticipated effective implementation of these measures, quality of water in this reach of Norris Reservoir would not be affected directly, indirectly, or cumulatively."
- We suggest that a 40 foot wide conservation buffers would not be sufficient to capture pollutants.
- We suggest that the cumulative impact on water quality and other environmental factors be considered.

Overall, we are supportive of Alternative 3, Applicant's Proposal with Mitigation Resulting From Section 26a and Land Use Review but with a denial of the deed modification. This leave the fill below the elevation 1044-foot msl and community dock and harbor limits.

We appreciate the opportunity to comment.

Sincerely,

Danielle Droitsch
Executive Director

